

Notice of Allowability

Application No.

10/801,143

Examiner

Darren W. Ark

Applicant(s)

TOWNSEND, LYLE

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 10/4/04 & Telephone Interview 11/8/04.
2. ☒ The allowed claim(s) is/are 1, 3-16 and 18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 20040625.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Darren W. Ark
Primary Examiner
Art Unit 3643

Art Unit: 3643

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dean A. Craine on Monday, November 08, 2004.

The application has been amended as follows:

Claim 1. A pest trap, comprising:

a. a substantially flat bottom member with two tunnel cavities formed thereon, each said tunnel cavity being concave in cross section, and extending centrally on said bottom member thereby forming two tunnels under said bottom member when said bottom member is placed on a flat ground surface, each said tunnel being defined by one of said tunnel ~~cavity~~ cavities on said bottom member and the ground surface, said bottom member also including a section of ~~the~~ an outer perimeter edge that is concave upward and irregular thereby forming an outer pest opening into each said tunnel cavity, said bottom member also including an inside pest opening located over each said tunnel cavity;

Art Unit: 3643

- b. a dome-shaped upper lid member pivotally attached to said bottom member, said lid member having an outer surface that simulates a rock and forms an enclosed large cavity when attached and closed over said bottom member; and,
- c. a means for terminating a pest located inside said cavity.

Claim 3. The pest trap as recited in Claim 2, further including a hinge disposed between said bottom member and lid member thereby pivotally attaching said lid member to said bottom member, wherein said hinge includes a hinge ~~plated~~ plate formed on said bottom member with a plurality of axles formed thereon and a plurality of arms formed on said lid member, said arms being aligned on said lid member so that said arms engage said axles on said hinge plate to pivotally ~~attached~~ attach said lid member to said bottom member.

Claim 5, line 2, inserted --a-- before "hole".

Claim 7, line 3, replaced "botttom" with --bottom-- and replaced "inner" with --inside--.

Claim 9, line 3, replaced "inner" with --inside--.

Claim 11. The pest trap as recited in Claim 10, further including a bait paper tray located on said bottom member and designed to hold said bait ~~pape~~ paper.

Claim 12, line 3, inserted --to-- after "position".

Art Unit: 3643

Claim 14. A pest trap, comprising:

a. a substantially flat bottom member with two tunnel cavities, each said tunnel cavity being concave in cross section and extending centrally on said bottom member to form a tunnel extending under said bottom member when said bottom member is placed on a flat ground surface, each said tunnel being defined by said tunnel cavity on said bottom member and the ground surface, said bottom member including an outer pest opening formed along a perimeter edge and adjacent to each said tunnel cavity, said bottom member also including an inside pest opening located over each said tunnel cavity, said inside pest openings being aligned on said bottom member so that when a pest passes through one said inside pest opening the view of the other inside pest opening is ~~unobstructive~~ unobstructed thereby providing an alternative escape for the pest;

b. a dome-shaped upper lid member pivotally attached to said bottom member, said lid member having an outer surface that simulates a rock and forms an enclosed large cavity when attached to said ~~lid~~ bottom member; and,

c. a holding tray used to hold a means for terminating a pest; and,

d. a lock mechanism disposed between said lid member and said bottom member, located inside said cavity.

Claim 15, line 1, replaced "mean" with --means--.

Claim 18, line 1, replaced "opening" with --trap--.

Art Unit: 3643

2. The proposed drawing corrections filed 10/4/2004 are approved by the Examiner.

3. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose a pest trap comprising a substantially flat bottom member with each tunnel cavity being concave in cross section thereby forming two tunnels under the bottom member when the bottom member is placed on a flat ground surface and a dome-shaped upper lid member pivotaly attached to the bottom member, the lid member having an outer surface that simulates a rock.

In regard to claim 14, the prior art of record does not disclose a pest trap comprising a substantially flat bottom member with each tunnel cavity being concave in cross section and extending to form a tunnel extending under the bottom member when the bottom member is placed on a flat ground surface, an inside pest opening located over each tunnel cavity, the inside pest openings being aligned on the bottom member so that when a pest passes through one inside pest opening the view of the other inside pest opening is unobstructed, and a dome-shaped upper lid member pivotaly attached to the bottom member, the lid member having an outer surface that simulates a rock.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA